

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C.**

In the Matter of

Telephone Number Portability

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CC Docket No. 95-116

COMMENTS OF THE ILLINOIS CITIZENS UTILITY BOARD

JULIE LUCAS SODERNA

**208 South LaSalle Street
Suite 1760**

Chicago, IL 60604

Phone: (312) 263-4282

Fax: (312) 263-4329

**Attorney for the Illinois Citizens
Utility Board**

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The Illinois Citizens Utility Board submits these Comments in response to the Commission’s Further Notice of Proposed Rulemaking in FCC Docket No. 03-284. The Citizens Utility Board (“CUB”) recommends that the Federal Communications Commission (“Commission” or “FCC”) impose the same requirements on carriers for wireless to wireline porting as it does for wireline to wireless porting, in order to maintain reciprocity and produce the least likelihood of confusion for customers.

INTRODUCTION

In crafting the rules to open the telecommunications market place, Congress intended to ensure that a competitive market place would be allowed to develop. The Commission ordered both wireline and wireless providers to implement the relevant technology to be able to provide number portability, because the Commission determined that it would support a competitive market place and therefore the public interest. 47 C.F.R. § 251(b); 47 C.F.R. §§ 1,2,4(i).

In order for wireless and wireline consumers to realize true competition, the Commission must continue to maintain a level playing field for carriers and consumers. The Commission must ensure that all barriers to intra-modal and inter-modal competition are removed. CUB actively supported the Commission’s efforts to implement its requirements for wireless

portability and commends its efforts in that regard. One only need pay attention to the massive media and consumer response to the advent of wireless-to-wireless portability and the new offerings from carriers to conclude that portability has made an enormous impact on competition among wireless carriers. By maintaining parity between the requirements for intermodal porting and intramodal porting, the Commission will ensure its legislative mandate to support competition is successfully achieved.

**THE COMMISSION SHOULD ESTABLISH THE SAME REQUIREMENTS FOR
INTRAMODAL AND INTERMODAL PORTING**

The Commission issued a *Memorandum Opinion and Order* that reiterated its requirement that wireless carriers implement wireless-to-wireless porting on November 24, 2003. Telephone Number Portability, CC Docket No. 95-116, *Memorandum Opinion and Order*, FCC 03-237, rel. Oct. 7, 2003. In the *Memorandum Opinion and Order*, the Commission addressed several issues presented in two petitions filed by the Cellular Telecommunications and Internet Association (“CTIA”), by further clarifying that wireless-to-wireless porting “does not require the wireless carrier receiving the number to be directly interconnected with the wireless carrier that gives up the number or to have numbering resources in the rate center associated with the ported number.” *Id.* at 8. The Commission also confirmed that this requirement is unconditional – carriers must port a number when there is a request, regardless of whether agreement was reached on the terms and conditions of the port. *Id.*

Similarly, the Commission articulated a clear requirement for porting from a wireline to a wireless carrier. In addressing wireline-to-wireless portability, the Commission found that

...porting from a wireline carrier to a wireless carrier is required where the requesting wireless carrier’s “coverage area” overlaps the geographic location in which the customer’s wireline number is provisioned, provided that the porting-in carrier maintains the number’s original rate center designation following the port.

Telephone Number Portability, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 03-284, rel. Nov. 10, 2003 (“November Order”). The Commission clarified that, with regard to wireline-to-wireless porting, nothing in its rules requires that a wireless carrier have a physical point of interconnection in the wireline rate center from which the ported number originates. *Id.* at 2. The Commission stated that as long as the wireless carrier’s coverage area overlaps geographically with the wireline rate center, the number must be ported. The Commission reasoned that “permitting intermodal porting in this manner is consistent with the requirement that carriers support their customers’ ability to port numbers while remaining at the same location.” *Id.* at 10.

The 1996 Telecommunications Act defines number portability as “the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.” 47 U.S.C. § 153(30). This definition supports the Commission’s requirement that wireline carriers be required to port a number to a wireless rate center where the geographic coverage area overlaps. In the same way, this definition supports wireless-to-wireline portability where the wireline wire center to which the number is ported is within the geographic coverage area of the wireless wire center.

CUB asserts that the portability requirement should apply analogously with respect to wireless-to-wireline portability – that is, a wireless carrier should be required to port numbers to any address from which the wireless carrier can accept a number ported from a wireline carrier, provided that the address to which the number is ported lies within the boundaries of the wireless “coverage area” (defined as “the area in which wireless service can be received from the wireless carrier.” November Order at ¶ 22). In addition, as the FCC mandated for wireline-to-wireless

porting, the porting in carrier must maintain the number's original (wireless) rate center.

Therefore, customers calling the ported number will continue to be billed in the same manner as before the porting of the number. This result produces the least amount of confusion for customers and provides a continuum for rating purposes, while advancing the Commission's pro-competitive directive.

CONCLUSION

Wireless-to-wireline portability would further enhance competition and serve the public interest. Therefore, CUB respectfully requests the Commission consider the foregoing comments in furthering its policy goals with regard to wireless-to-wireline portability.

Respectfully Submitted,

By: _____
Julie L. Soderna
Legal Counsel
Citizens Utility Board
208 S. LaSalle St., Ste. 1760
Chicago, IL 60604
(312) 263-4282 x112
jlucas@cuboard.org

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